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12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 OAKLAND DIVISION

15

16 UNITED STATES OF AMERICA,

17 CR 07-70574 WDB

18 Plaintiff,

19 v.

20 MICHAEL MARTIN, et al.,

21 Defendants.

22 **FOURTH STIPULATION TO WAIVE
23 TIME UNDER THE SPEEDY TRIAL ACT
24 WITH RESPECT TO PRELIMINARY
25 HEARING AND FILING OF FURTHER
CHARGING DOCUMENTS**

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27 This matter is scheduled for preliminary hearing or
28 arraignment on Tuesday, January 29, 2008, at 10:00 a.m.

29 The parties have previously agreed and so stipulated to
30 waive time for the preliminary hearing in order for counsel to
31 have sufficient time to review the discovery and evaluate the
32 prospect of pre-indictment resolution.

33 On December 20, 2007, counsel for all parties met and
34 conferred. Shortly thereafter, the government circulated a draft
35 version of a proposed plea agreement to each defendant through
36 their respective counsel.

37 The exclusion of additional time is likely to obviate the
38 need to consume judicial and public resources insofar as the

1 parties believe in good faith that resolution is close at hand.

2 In light of the foregoing, all of the defendants agree to
3 waive the necessary additional time pursuant to Fed.R.Crim.P. 5
4 and 18 U.S.C. § 3161, the Speedy Trial Act, such that the pre-
5 liminary hearing be extended to February 26, 2008, at 10:00 a.m.

6 All of the defendants are out of custody on bond. Defen-
7 dants each have consulted with their attorneys and understand
8 that they have the right to a preliminary hearing or that
9 further charging documents be presented and filed with the Court
10 on the day of or before said preliminary hearing. Pursuant to
11 Fed.R.Crim.P. 5.1(d), the defendants knowingly and voluntarily
12 waive their rights to a preliminary hearing on January 29, 2008,
13 and agree to extend the time for preliminary hearing until
14 February 26, 2008.

15 The parties jointly request that the time between January
16 29, 2008, and February 26, 2008, be excluded under the Speedy
17 Trial Clock to allow defendants' counsel to effectively prepare,
18 taking into account the exercise of due diligence. See 18
19 U.S.C. §§ 3161(h)(8)(A) and 3161(h)(8)(B)(iv). The parties
20 agree that the "ends of justice served by the granting of such
21 continuance outweigh the best interests of the public and the
22 defendant[s] in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

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1 For the foregoing reasons, the parties respectfully request
2 that the matter be continued from January 29, 2008, to February
3 26, 2008, at 10:00 a.m.

4 Dated: January 24, 2008

5 Joseph P. Russoniello
6 United States Attorney

7 /s/ SHASHI KEWALRAMANI
8 H.H. (SHASHI) KEWALRAMANI
9 Assistant United States Attorney

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11 /s/ SARA ZALKIN
12 SARA ZALKIN
13 Attorney for MICHAEL MARTIN

14 /s/
15 MICHAEL MARTIN
16 Defendant

17 /s/ RANDOLPH E. DAAR
18 RANDOLPH E. DAAR
19 Attorney for JESSICA SANDERS

20 /s/
21 JESSICA SANDERS
22 Defendant

23 /s/ JEROME MATTHEWS
24 JEROME MATTHEWS
25 Attorney for MICHAEL ANDERSON

26 /s/
27 MICHAEL ANDERSON
28 Defendant

29 /s/ TED CASSMAN
30 TED CASSMAN
31 LAUREL HEADLEY
32 Attorneys for DIALLO McLINN

33 /s/
34 DIALLO McLINN
35 Defendant